

### REMARKS

Receipt of the Final Office Action, mailed August 10, 2004, is acknowledged. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. This amendment cancels and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-6, 24, and 49-55 are presently cancelled. Applicants do not intend to disclaim the subject matter contained in the cancelled claims; rather, they reserve the right to file a continuing application directed to that subject matter. Claims 7, 15, 25, and 37 are amended to incorporate the subject matter of claims 24 and 49 as appropriate. After the amendments, claims 7-8, 10-11, 13-16, 18-19, 21-23, 25-30, 32-33, 35-42, 44-45, and 47-48 are currently pending and are in condition for immediate allowance.

Applicants thank the Examiner for withdrawing the indefiniteness rejection. Further, applicants note that claims 13, 14, 22, 24, 35, and 36 were not rejected by the examiner, but were objected to as depending from claims that were rejected. Claims 21 and 47-49 also were not rejected, but they were not listed as objected claims. Applicants believe that these claims should have been objected to as depending from claims that were rejected.

Accordingly, applicants have amended independent claims 7, 15, 25, and 37 to incorporate recitations from the claims that are allowable. For instance, the recitations of claim 24 were incorporated into independent claims 7 and 15. In addition, the recitations of claim 49 were incorporated into independent claims 25 and 37. Accordingly, these claims are now in proper form for allowance as are the claims depending therefrom.

Further, we note that claims 7 and 25 require a minor clarification that is made by this amendment. The recombinant polynucleotides recited therein comprise a plurality of sequences each encoding a *Mycobacterium tuberculosis* antigen and each operably linked to control sequences suitable for expression in the subject. This amendment is intended to

clarify, not change, the scope of the claim. Accordingly, claims 7-8, 10-11, 13-16, 18-19, 21-23, 25-30, 32-33, 35-42, 44-45, and 47-48 are in condition for allowance.

Applicants respectfully request that this amendment under 37 C.F.R. § 1.116 be entered by the Examiner. It is submitted that the proposed amendments of claims 7, 15, 25, and 37 neither raise new issues nor necessitate the undertaking of any additional search by the Examiner, since all of the elements and their relationships claimed were present in the claims as previously examined. Therefore, this amendment should allow for immediate action by the Examiner. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date January 10, 2005

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5483  
Facsimile: (202) 672-5399

By Richard Peet

Richard Peet  
Attorney for Applicant  
Registration No. 35,792